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COMMISSION ON HUMAN RIGHTS

Forty-eighth session

SUMMARY RECORD OF THE 36th MEETING
(SECOND PART*)

Held at the Palais des Nations, Geneva,
on Thursday, 20 February 1992, at 6.15 p.m.

Chairman: Mr. ENNACEUR (Tunisia)
later: Mr. SOLT (Hungary)

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(b) SITUATION OF HUMAN RIGHTS IN OCCUPIED KUWAIT

(c) STUDY OF SITUATIONS WHICH APPEAR TO REVEAL A CONSISTENT PATTERN OF GROSS VIOLATIONS OF HUMAN RIGHTS AS PROVIDED FOR IN COMMISSION RESOLUTION 8 (XXIII) AND ECONOMIC AND SOCIAL COUNCIL RESOLUTIONS 1235 (XLII) AND 1503 (XLVIII): REPORT OF THE WORKING GROUP ON SITUATION (agenda item 12) (continued) (E/CN.4/1992/3; E/CN.4/1992/4; E/CN.4/1992/25; E/CN.4/1992/26; E/CN.4/1992/27; and Corr.1; E/CN.4/1992/28 and Add.1; E/CN.4/1992/29; E/CN.4/1992/31; E/CN.4/1992/32; E/CN.4/1992/34; E/CN.4/1992/35; E/CN.4/1992/36; E/CN.4/1992/37; E/CN.4/1992/60 (S/23212); E/CN.4/1992/64; E/CN.4/1992/67; E/CN.4/1992/68; E/CN.4/1992/CRP.1; E/CN.4/1992/NGO/2; E/CN.4/1992/NGO/5; E/CN.4/1992/NGO/10; E/CN.4/1992/NGO/13; E/CN.4/1992/NGO/19; E/CN.4/1992/NGO/24; E/CN.4/1991/NGO/34; E/CN.4/1991/24; E/CN.4/1991/27; E/CN.4/1991/28; E/CN.4/1991/29; E/CN.4/1991/30; E/CN.4/1991/31; E/CN.4/1991/33 and Add.1; E/CN.4/1991/34; E/CN.4/1991/35; E/CN.4/1991/36; A/46/446; A/46/529; A/46/542; A/46/544 and Corr.1; A/46/606; A/46/647)

1. Mr. SCHIFTER (United States of America) said that, although the standards set by the Universal Declaration of Human Rights were now more highly respected around the globe than at any time since its adoption by the United Nations General Assembly, a great many problems continued to beset the world as a result of the abuse of human rights. They included problems posed by countries which had imported Marxist-Leninist philosophy from abroad and which sought to preserve that import despite its total abandonment in its place of origin.

2. Earlier opposition on Marxist-Leninist grounds to the international community's efforts to translate the principles of the Declaration into a consistent programme had been replaced by a different rhetoric; the countries in question now sought to justify their own actions in terms of the basic ground rules of human rights. In November 1991, one of the countries which still espoused Marxism-Leninism had issued a comprehensive document on the subject of human rights containing a number of propositions and allegations which needed to be discussed and, in some cases, seriously challenged.

3. First, it was and had frequently been argued that the right to subsistence was the foremost human right. Although death from starvation and freedom of expression were obviously incompatible, he wondered where that proposition and similar contentions concerning economic and social issues led in the context of a human rights debate, since it was generally agreed that one of the major responsibilities of a Government was to help provide a sound foundation for a prospering economy and social progress and that respect for civil and political rights, including free speech and free elections, went hand in hand with human progress. He would also point out that candidates seen as best able to effect economic improvement fared best in democratic elections; that open, rather than closed, societies had consistently proved

best able to raise standards of living; and that, while the command economy held back development, there were benefits for all where a people's natural entrepreneurial spirit bloomed. He was, however, not sure whether the Commission on Human Rights was the best forum for constructive debate on such issues: was not the creation of a free society its proper field of study?

4. It was argued that a country's human rights situation should not be judged without reference to its history and national conditions and according to a preconceived model or conditions in another country. True, there could be national rules for the protection of human rights that did not reflect or constitute international standards. However, there was no room for mere lip service to principles such as the one embodied in article 5 of the Universal Declaration, which stipulated that "No one shall be subject to torture or to cruel, degrading or inhuman treatment or punishment". Compliance with that highly important article should not depend on a country's history and national conditions; every country had a moral tradition which echoed that commitment and every Government had a duty to stamp out such treatment. Nor did a mere declaration that torture was not official policy constitute compliance if a blind eye was turned to officials who engaged in that practice.

5. Freedom of peaceful assembly, which was provided for in article 20 of the Declaration, must not be conditional on the utterance of politically correct thought or applause for the current ideological line. The use of violent force to disperse a peaceful assembly could not be justified on the grounds of history and national conditions. Freedom of opinion, expression and information, as referred to in article 19, was not complied with by contending that "ideas alone do not constitute a crime". That article protected the right to express opinions and to impart information; history and national conditions should not prevent anyone from giving full peaceful expression to his beliefs. Did not the expression of ideas, which was in some places regarded as counter-revolutionary and a criminal offence, offer a healthy guarantee of change for the better and, for example, an end to corruption? What made criticism of governmental wrongdoing such a bad thing?

6. According to the Leninist approach to human rights, those rights were respected when a country prohibited unlawful arrest and unlawful house searches and body searches. That statement nevertheless rang somewhat hollow when it was discovered that public security bodies had unbridled discretion to detain and to search in what appeared to be flagrant violation of the standards laid down in articles 9, 11, and 12 of the Universal Declaration. As to freedom of conscience and religion, it was as important to determine what was prohibited as to acknowledge what a Government might impose as legal. There should be no impediment whatever to the maintenance of spiritual ties or to freedom of worship.

7. In the light of those considerations, it seemed clear to him that, in countries which still adhered to Leninist doctrine, there was a broad pattern of contravention of internationally recognized human rights, as clearly spelled out in the Universal Declaration. However, another matter which called for attention was the frequently repeated assertion that discussion of a country's failure to abide by international standards constituted improper interference in its internal affairs and was contrary to Article II, Section 7, of the United Nations Charter. While that Article did provide for

non-interference, that was in matters which were "essentially within the domestic jurisdiction" of Member States. It would be recalled that, following the Second World War, the international community had pledged the United Nations to the promotion and encouragement of respect for human rights and fundamental freedoms, specifying that human rights problems would no longer be considered as essentially within domestic jurisdiction. As long ago as 1952, the United Nations had put that principle into practice, refuting South Africa's arguments of "interference" and deciding to focus attention on apartheid: had not that attention been maintained over the years with the support of those very countries which were now so quick to criticize others' interest in their own approach to human rights? Human rights violations were of concern to the international community whether they caused a person to be barred from a public place because of the colour of his skin or whether they caused a person to be imprisoned for organizing religious observance or putting up a poster extolling democracy.

8. Mr. GRAVES (World Conference on Religion and Peace), recalling that a child victim of napalm bombing in the marshlands of southern Iraq had appeared at an earlier meeting of the Commission, said it was obvious from the many reports received by the Commission that the Arab Shi'a populations there were not only being denied their political, economic, cultural and religious rights, but they were also being murderously assaulted and oppressed and their environment and means of livelihood were being devastated in a virtually genocidal war being waged against them by their Government.

9. His organization hoped that the Special Rapporteur would be able to pursue his mission and be granted access to all areas and populations in the country. With regard to the victims of the "marshland massacre", it called upon the Commission to request that the bombing of the marshlands should be halted and that the Iraqi forces should be withdrawn from the region; to recommend that United Nations forces should be admitted to the area to supervise the distribution of medical supplies, that a United Nations presence should be established to facilitate the work of reconstruction and that the displaced population should be allowed to return home; and to request the Iraqi Government to start rebuilding the schools and hospitals damaged by military action and guarantee a return of the situation to normal.

10. Mr. WAREHAM (International Association against Torture) said that, throughout the developing world and for the many millions of Africans, Latinos and indigenous peoples living in the United States of America, social, political and economic indicators revealed a consistent pattern of gross violations of human rights by the deeply entrenched forces of chauvinism and racism, masquerading behind what was deemed a "kinder, gentler" attitude, but which still resulted in the expropriation of land, human and natural resources and in wilfully induced underdevelopment.

11. The United States maintained its covert presence in Central America and had to bear some measure of responsibility for acts such as the assassination, in the summer of 1991, of the representative of the International Association against Torture in Honduras, Marco Tulio López Hernández. It was not necessary to go beyond the Black population of the United States itself to see how the deliberate devastation of human life and values and assaults on the culture of an oppressed people could, through a mechanism examined by

Frantz Fanon in The Wretched of the Earth, lead that people, in its frustration, to direct violence against itself. In South Africa, as Amilcar Cabral had pointed out, the shibboleth of "assimilation" was being demolished by the imprisonment and cynical repression of the African masses in the largest concentration camp mankind had ever known. As far as Latin America was concerned, the representative of Peru had, in his statement to the Commission a few days earlier, made much of the contribution of Bartholeme de las Casas to the concept of the universality of human rights, but had failed to mention that religious man's silence on the question of slavery and had himself remained silent about the repression, discrimination and elimination by violent means that formed part of the fight against "terrorism" which the Peruvian Government was waging with United States assistance. In Guatemala, the well-documented massacre of the indigenous peoples was increasing even as the Commission met, but that situation had failed to attract the serious attention it deserved.

12. For four years, the International Association against Torture had endeavoured to alert the Commission to the myth of racial democracy supposedly present within the geographical confines of the United States and in its policies and practices. However, the unique super-Power status of the United States, its military strength and its economic leverage appeared to shield it from objective inquiry and allowed it to indulge in the kind of great-nation chauvinism that had characterized its high-handed treatment of Cuba for many years; its cavalier attitude towards the decision of the International Court of Justice finding it liable for the mining of Nicaraguan waters; its unilateral flouting of the OAS-ordered embargo on Haiti following the coup d'état there and its refusal to admit Haitian refugees; and its often genocidal assault on its own indigenous peoples.

13. In the light of all those considerations, the International Association against Torture called for the appointment of a Special Rapporteur to investigate the situation of Africans and Latinos in the United States and for the extension of the mandate of the Special Rapporteur on treaties with indigenous peoples. It urged the Honduran Government to take immediate steps to dismantle its secret police force and curb selective assassinations, to investigate the assassination of Marco Tulio López Hernández and the murder of other popular leaders and to honour the ruling of the Inter-American Court and provide the mandated compensation to victims. It called on the Peruvian Government to provide the Commission with statistics showing how many military personnel had been convicted for their involvement in what appeared to be a State policy of enforced and involuntary disappearances of critics of the Government. It requested that the situation of human rights in Guatemala should be discussed under item 12 of the Commission's agenda and that a Special Rapporteur should be appointed.

14. In conclusion, he said that failure by the Commission on Human Rights to respond to the cumulative violations committed by the United States, which his Association had cited under agenda items 7, 8, 10, 12, 14 and 17, would amount to abrogation of its responsibility to be even-handed in its deliberations. The lessons of history must not be forgotten: every time there was a double standard, an unprincipled deference to a great nation, the scene was set for an ever greater accumulation of power and a widening circle of victims, often made up of yesterday's allies.

15. Ms. MIRWAN (International Peace Bureau) said that she wished to enlist the Commission's humanitarian concern on behalf of the families of the victims of the American aggression against the cities of Bengazi and Tripoli on 15 August 1986, a wanton act of terrorism perpetrated with the assistance of the United Kingdom Government. Four hundred unarmed and innocent civilians had borne the brunt of the strike; animals and even birds had not escaped; hospitals and schools had been destroyed. The incident was but one example of the brutally hegemonistic manner, threatening for the entire world, in which a super-Power was conducting itself, especially in its relations with small countries. Should not the forces of science and technology unleashed on that occasion have been harnessed for better purposes, for human welfare?

16. She appealed to the Commission, as a prestigious body in the field of human rights, to endorse the rightful claim of the families of the victims to compensation for their material and moral suffering. She also alerted the Commission, and, through it, the international community, to the real and imminent danger of a repetition of the unwarranted aggression against Libya, again placing its people in extreme danger and jeopardizing all that the country had achieved.

17. Her Association pledged to cooperate with the Commission and all other international organizations active in the field of human rights in opposing injustice, terrorism and attempts at hegemony and in advancing all of mankind towards the goal of God-given peace.

18. Ms. AHMED (General Arab Women Federation 1944) said that, in an age in which means of oppression and destruction had kept pace with the growing complexity of life, it was becoming more urgently necessary to promote and defend the human rights not only of individuals, but of nations and of mankind as a whole. The pollution resulting from nuclear tests, wars and industrial waste constituted a serious violation of human rights, the effects of which were now being manifested in fatal diseases. The super-Powers were trying to deceive world opinion by focusing on violations of individuals' rights in various countries, claiming to defend such rights while arrogating to themselves the right to exploit the peoples of the developing world. The fact that such violations were perpetrated by Governments called for a mobilization of public opinion to compel them to abide by international human rights instruments.

19. As a representative of Arab women, she wished to cite two examples of mass violations of human rights concerning the Iraqi and Palestinian peoples. The Iraqi people were now suffering tragically from the economic and social damage inflicted by the war. Thousands of children and women were suffering from incurable diseases or from serious psychological traumas. The continuing imposition of economic sanctions, despite the fact that the reasons justifying them were no longer valid, had led to dramatic increases in disease and malnutrition. According to a survey conducted by the University of Nancy in July 1991, 50 per cent of Iraqi children under the age of five suffered from malnutrition, while thousands had died for lack of food and medicine. The continuing imposition of economic sanctions constituted a serious violation of human rights and all parties and organizations must work to end them.

20. The second example of mass violations of human rights was the activities of the Israeli forces in the Arab occupied territories. Palestinian citizens were killed or detained without the right to a free trial. The expulsion of Palestinians from their land constituted a further serious violation of human rights. In both the cases to which she had referred, it was women who bore the brunt of the burden because of the role they played in the family. On behalf of all Arab women, she appealed to the Commission to defend human rights wherever they were violated and to counter the special interests of the super-Powers. Women, children and the elderly must be permitted to live without suffering in a peaceful and secure world in which they could enjoy their legitimate rights. A call by the Commission to lift the economic sanctions against Iraq and halt the daily violations of the rights of the Palestinian people would be a significant landmark in its policy.

21. Mr. MARTIN (Amnesty International), referring to the question of human rights and internal armed conflict, said that human rights violations increasingly took place in a context in which opposition to Governments involved threatened or actual violence. More often than not, such opposition was associated with ethnic, religious or nationalist conflicts. The records of many Governments had been seriously tarnished by their actions in such situations.

22. In Latin America, non-combatant civilians in Guatemala, often of indigenous descent, had regularly been victims of the Guatemalan Army. In Peru, despite overwhelming evidence of the responsibility of the armed forces for thousands of disappearances and extrajudicial executions, military tribunals had almost always failed to convict those accused of such violations. The Government of Colombia had now recognized that any improvement in the human rights situation would require the disbanding of the paramilitary groups created by the army. A terrible legacy of human rights violations remained to be dealt with in El Salvador.

23. In Africa, Government action against insurgency had often taken the form of indiscriminate violence against the civilian population most closely identified with insurgents. Examples were the recent incidents in the Nuba mountains of Sudan, in northern districts of Uganda and in Rwanda and Burundi.

24. The largest number of disappearances over the past decade - probably amounting to tens of thousands - had been reported from Sri Lanka. The Working Group on Enforced or Involuntary Disappearances had concluded that the army, police and civil defence units had all been involved in disappearances. Those violations had for too long been passed over by the Commission and urgent measures were needed to ensure that the Working Group's recommendations were fully implemented. Scores of disappearances and extrajudicial executions continued to be reported in the Philippines and in Punjab, Kashmir and Assam, areas of India where secessionist movements had resorted to violence.

25. The longstanding pattern of human rights violations in Iraq, perpetrated to suppress both peaceful dissent and armed uprisings, demanded an exceptional response. His organization urged the Commission to establish a more extensive human rights monitoring operation in that country. Elsewhere in the Middle East, persons accused of political violence were often subjected to

torture. In Tunisia, thousands of suspected members of al-Nahda, an outlawed Islamic opposition party, had been detained and tortured and nine had died in custody over the past year.

26. In Europe, reports continued of torture and arbitrary detention in the south-east of Turkey, where Government forces faced armed opposition from the Kurdish Workers' Party. Non-combatants had been deliberately killed by Serbian and Croatian forces in Yugoslavia and in incidents in parts of the former USSR. Reports of torture and ill-treatment of suspects and of killings by security forces in the United Kingdom and Spain were examples of the problems that arose when nationalist conflicts became entrenched.

27. Political violence posed the greatest challenge to the protection of human rights. When a State resorted to gross violations, the spiral of violence was more often intensified than suppressed. A resolute and public commitment to protection of those rights was thus called for at the highest political levels, as were prompt and effective investigations and sanctions when violations were committed, not to mention rigorous training of security forces. In times of internal armed conflict, both Governments and their opponents should observe minimum standards laid down by humanitarian law. Amnesty International had long condemned the torture and killing of prisoners by armed opposition groups; it would now oppose a wider range of abuses by such groups, guided by the protection of the individual enshrined in article 3 common to the Geneva Conventions. It would also oppose other deliberate and arbitrary killings and the taking or holding of hostages, documenting patterns of such abuses and seeking opportunities to bring pressure to bear on the perpetrators.

28. Sendero Luminoso, the Liberation Tigers of Tamil Eelam and armed Sikh groups in Punjab were among those armed opposition groups that had perpetrated arbitrary killings on a horrific scale. Similar groups in Colombia, the Philippines and Kashmir, as well as in the Middle East, had resorted to hostage-taking. The Sudanese People's Liberation Army had carried out numerous summary executions in southern Sudan. Those abuses were wholly unacceptable, regardless of the form of conflict or its protagonists. Amnesty International's work in that area did not imply any judgement on the nature of the conflict: it opposed the abuses, not the entity that committed them, whether a Government or an opposition group. Its use of the neutral term "armed opposition group" was intended to confer no legitimacy and it was not for his organization to distinguish between legitimate and illegitimate rebellion.

29. Governments facing internal armed conflict frequently responded with particular hostility to criticism of their human rights record, accusing non-governmental organizations of bias or even of fomenting terrorism or alleging that undue attention was accorded to Government as opposed to opposition abuses. While stressing its condemnation of opposition abuses and working to halt them, his organization saw its proper priority as ensuring that Governments and their agents were fully accountable for their actions and could not violate the human rights of their citizens with impunity. Those Governments had accepted, and were bound by, international human rights standards and must thus respect them at all times. Violence by opposition groups should never be used to divert attention from, still less to justify,

human rights violations by Governments. Condemnation of abuses by opposition groups must stem from the same genuine respect for human life, security and liberty that compelled the highest standards of governmental observance of human rights law.

30. The Commission's primary function must be to promote the full observance by Governments of their international human rights commitments, no matter how difficult the context. In doing so, it must prove itself capable of finding new ways of responding to such situations. His organization welcomed the innovative programme for human rights protection and monitoring which had begun the previous year in El Salvador with the establishment of the United Nations Observer Mission in El Salvador (ONUSAL). As the principal human rights body of the United Nations, the Commission must ensure that human rights considerations were at the forefront of every such initiative.

31. Mr. JEAN (International Federation of Human Rights - FIDH) said that his organization was concerned at the fact that some massive violations of human rights were never dealt with in the Commission's public proceedings. Such was the case with Chad, where more than 10,000 persons had been summarily executed between 1982 and 1990 during the regime of Hissène Habre. Some of those responsible still held positions in the present security forces. On 1 December 1990, Colonel Idriss Deby had undertaken to restore democracy and respect for human rights. However, the report published the previous day by FIDH and its affiliate, the Ligue tchadienne des droits de l'homme, revealed that summary executions, disappearances, arrests and acts of torture continued unabated. Real power rested with irregular units of the former combatant forces, who were out of control. Scores continued to be settled between the rival factions who shared power, with members of ethnic groups and opposition parties arrested and executed without trial. In response to international pressure, President Deby had announced clemency measures on 24 January and some of the many persons detained since October 1991 had been released. Meanwhile, human rights activists, journalists and all those engaged in the democratic process were undergoing great risks. Only five days previously, the Vice-Chairman of the Ligue tchadienne, Joseph Behidi, had been murdered and there were fears, despite the positive, but wholly inadequate measures announced the previous day by the Government, that other defenders of human rights would shortly be summarily executed.

32. His organization was also concerned at the lack of public treatment of the human rights situation in Zaire. For several months, FIDH had been receiving alarming information from its affiliate, the Ligue zaïroise des droits de l'homme. The previous week, special intervention forces had opened fire on peaceful demonstrators, killing 32 persons, several of them children, injuring about 100 and arresting several hundred. In Zaire, as in Chad, defenders of human rights were risking their lives every day in order to keep the world - and the Commission - informed. His organization thus called upon the Commission to take public action to deal with those situations, so as to ensure that specific progress was made in the countries concerned and that, at the very least, the fate of the victims should not go unmentioned.

33. In Peru, which his organization had visited in 1991, the ambiguous statements made by President Fujimori, treating human rights organizations as accomplices of the guerrilla movements, gave grounds to fear for the lives of

defenders of human rights, particularly members of the Asociación Pro-Derechos Humanos, an affiliate of his organization. FIDH was aware that the Peruvian Government had to combat armed groups such as Sendero Luminoso, whose barbaric methods were wholly unjustified. It was also aware of the disastrous economic and social situation in Peru and of the Government's problems in combating drug trafficking. However, those factors could not justify systematic recourse to violence, the sole response of the Peruvian authorities to the situation. FIDH could not accept the maintenance of 43 per cent of Peru's territory and 58 per cent of its population under martial law, in a state of emergency dating back almost 10 years. Nor was it acceptable that the disappearances, summary executions and massacres, in 72 per cent of which the armed forces had been involved, should be tolerated and, to all intents and purposes, encouraged by the authorities, who, despite the submission of detailed case dossiers by his organization, took no action to punish those responsible. The Commission should call upon the Peruvian authorities to take the necessary steps for that purpose, at least by putting an end to impunity. To do so would make their difficult task of combating poverty, terrorism and the drug traffic easier and human rights would regain the supremacy that was at present so seriously threatened.

34. In conclusion, his organization urged the Commission to react vigorously to the serious violations of human rights taking place in Iran, in Tibet and in East Timor, from which there was at present no news of the fate of the demonstrators arrested since the terrible massacre reported in the international media.

35. Mr. SOLT (Hungary) took the Chair.

36. Mr. EMERY (International Association of Democratic Lawyers) said that an agreement on reconciliation, non-aggression, collaboration and trade between north and south had been concluded between the two Koreas on 13 December 1991, paving the way for the agreement on the denuclearization of the peninsula concluded on 31 December 1991. The first direct contacts between the Democratic People's Republic of Korea and the United States were now taking place and President Bush had proposed abandoning the present year's military manoeuvres in the Republic of Korea, which were a source of great tension between the two sides. The international media had treated those developments as if the question of Korea was already as good as settled. Consequently, the new dialogue was being used to conceal the continuing repression of opposition and violations of human rights in the south. Indeed, President Bush's assurances had led public opinion to believe that the only remaining unresolved issues concerned the north.

37. The facts were otherwise and the Commission should be informed of the true human rights situation in the Republic of Korea, which was constantly falsified or played down by most of the international media, inspired by the strategy and tactics of the United States. Between 1,500 and 3,800 persons were detained for political reasons, many of them serving very long sentences. Many prisoners suffered from serious illnesses as a result of ill-treatment and around 30 died in prison each year. Those freed had first to sign a recantation and remained under administrative surveillance after their release. He referred to the case of the student Rim Sou Kyeung, who had been sentenced to a long term of imprisonment on her return from attending the

World Youth Festival in Pyongyang in the summer of 1989, although evidence showed that she had refrained from adopting a political position throughout her stay in the north, simply affirming that she unreservedly supported the peaceful reunification of her country. She was thus only one of a number of citizens prosecuted and sentenced for taking the same initiatives subsequently adopted by the Government.

38. Violent suppression of demonstrations by the police and military and torture in places of detention were the rule. Large demonstrations had been brutally crushed in April, May and June 1991, with loss of life and serious injury. Medieval methods of torture were giving way to more sophisticated methods, which left no visible traces. The sophisticated equipment used for the purpose was imported from the United States and Japan. The Declaration on the Protection of All Persons from Being Subjected to Torture, unanimously adopted by the United Nations on 9 December 1975, was thus systematically violated. Many young people had committed suicide in protest against the practices of Roh Tae Woo's regime, as was confirmed by Amnesty International.

39. Despite the détente with the north, all legal provisions affecting the human rights of students, churchmen, trade unionists and leaders of the parliamentary opposition remained in force. His organization thus called for the release of political detainees as a concrete expression of the will for reconciliation and cooperation with the north; for an end to torture and attacks on human dignity and public freedoms; and for a revision of the legal system of the Republic of Korea regarding human rights and public freedoms.

40. Turning to the situation in Western Sahara, he said that, only a matter of days before the date initially scheduled for the referendum to determine the status of the territory, the Moroccan authorities had arrested more than 400 Saharan civilians, of whom nothing had since been heard, despite the presence of the United Nations Mission for the Referendum in Western Sahara, whose presence should be an additional guarantee of safety for the population.

41. Did the United Nations have no means of dissuading Morocco from continuing with those arrests? Recent reports from authorized sources confirmed that Morocco was monitoring every movement of the United Nations peace-keeping forces, which were being denied any contact with the population. Western Sahara was in a state of siege, with the United Nations representatives confined in areas from which they could not move without the knowledge of the Moroccan security forces and with the population reduced to silence. Since 1975, Morocco had refused the Saharan people the self-determination called for by the United Nations in the peace plan contained in resolution 658, adopted unanimously by the Security Council in June 1990. The Commission must work to ensure that, in the course of 1992, the referendum went ahead as planned. Any further delay would mean more arrests and disappearances among the defenceless population.

42. Ms. NUÑEZ (Commission for the Defence of Human Rights in Central America) said that violations of fundamental human rights, social and economic injustice, the persistent military domination of some countries and impunity continued to be undeniable features of the Central American scene, with countless persons suffering intimidation and death in every conceivable form.

The region had also been affected by external aggression, with Nicaragua and Cuba the victims of economic blockades and Panama subjected to actual military invasion that had resulted in thousands of deaths and disappearances.

43. The new decade had brought with it a new type of repression in Central America which took the form of the widespread application of structural adjustment measures, in addition to the physical repression of workers demanding stable employment and better wages to enable them to enjoy the right to a dignified existence. For example, in Nicaragua in 1991, anti-riot police had been used against workers on 11 occasions and similar incidents had taken place in Honduras. Nevertheless, her organization wished to focus attention on El Salvador and Guatemala, where the situation was at its most serious. Human rights activists and members of humanitarian and people's organizations had continued to be intimidated in El Salvador during 1991, as confirmed by the Special Representative of the Commission in his report contained in document E/CN.4/1992/32. The Salvadorian Human Rights Commission had since reported continuing threats to its members, one of whom had been imprisoned and interrogated. During 1991, a total of 663 persons had been held illegally, 157 had been detained or had disappeared and 1,035 had been murdered. Intimidation by the death squads, particularly the "Frente Anticommunista Salvadoreño, had even affected the United Nations mission, ONUSAL.

44. The agreement reached between the Government and the Frente Farabundo Martí para la Liberación Nacional was a step towards the building of peace. Her delegation agreed with the Special Representative's comment that there was a serious and alarming gap between proclaimed intentions and results. The United Nations and, ultimately, the Commission therefore had a responsibility to continue supporting the peace efforts of the Salvadorian people, to maintain the Special Representative in his monitoring capacity and to strengthen the role of the human rights division of ONUSAL. In order to consolidate the recently initiated process and to attain the proposed objectives, it was also essential to achieve an unrestricted suspension of actions that violated human rights. She was referring to the murder on 4 February 1992 of Mr. Omar de la Paz González, Justice of the Peace, and of Argentina Argeta, a member of the National Federation of Agricultural Cooperatives.

45. With regard to Guatemala, her organization agreed with the statement in the report by the Independent Expert of the Commission (E/CN.4/1992/5) that one difficulty which Guatemala had faced and continued to face was that of translating the noble principles of the protection of human life and the integrity and security of the human person into reality for all citizens of the country. However, the detailed account of human rights violations given in the report showed that the expressed will of the Government and its policies were far from ensuring the proper enjoyment of those rights. In that respect, the number of Guatemalan and foreign victims continued to increase in that country year after year. While it was true that the President of Guatemala had taken various measures to give effect to those rights, the majority of the population continued to be subjected to abuse by the military, the police and paramilitary groups.

46. A similar situation faced some 45,000 Guatemalan refugees in Mexico who had still not been able to return to Guatemala and were being denied almost all the rights to which every Guatemalan citizen was entitled.

47. As in previous years, the Independent Expert stated that only the victims and not the authors of the most violent crimes could be identified and that the most difficult question to answer was the extent to which State bodies or public officials were involved in violent crimes. Nevertheless, many reports from national and international human rights organizations, Government and other institutions and the victims of violence themselves identified the country's military and security forces as those responsible for the commission of those violent acts.

48. Violations of human rights in Guatemala continued to be systematic and serious and were the expression of military doctrines and policies which denied the enjoyment of basic rights. They were not committed by a few officials acting on their own, but the logical outcome of a strategy successfully applied for more than three decades in Guatemala.

49. Her delegation requested the Commission to renew the mandate of the Special Representative for El Salvador and to continue supporting the peace efforts initiated in that country. It also requested the Commission to continue to follow closely the human rights situation in Guatemala through the appointment of a special rapporteur on human rights.

50. Mr. OZDEN (Centre Europe-Tiers Monde), referring to the situation in Haiti, said that, since 30 September 1991, when President Aristide had been deposed, more than 1,500 persons had been killed. The assassinations, disappearances and arrests continued and, for those reasons, his organization urged the Commission to appoint once again a special rapporteur for Haiti.

51. He also drew attention to the situation in Burundi, where massacres had taken the lives of hundreds of thousands of persons, mainly members of the Hutu tribe, while thousands of others had had to flee the country. In November and December 1991, the events had led to the deaths of at least 3,000 persons and the flight of 50,000 to Zaire and Rwanda. In view of that situation, his organization hoped that the international community, in particular the Commission on Human Rights, would persuade Burundi to hold a round table that would bring together persons representing the Government, the various ethnic groups, the refugees, the host countries of the refugees and international organizations seeking to ensure respect for human rights in the country.

52. With regard to Morocco, he said that, for several years, whenever his delegation had given the names of persons who had disappeared or been imprisoned, it had been told that it was mistaken and that those persons did not exist.

53. His organization had welcomed the releases that had taken place in recent months. Abraham Serfaty had been released because of his Brazilian nationality. Tazmamart had been razed to the ground after the Moroccan Government had stated on several occasions that the prison existed only in the

minds of persons who wished to harm Morocco. However, the Tazmamart case was not finished. Thirty-four persons belonging to the military had been imprisoned in Tazmamart and had not yet reappeared. His organization appealed to the Commission to send an official commission of inquiry to Morocco to meet with those who had escaped from Tazmamart. He recalled that a humanitarian mission composed of physicians sent by several non-governmental organizations had gone to Morocco, but had been unable to meet with them. Steps must be taken to save all the missing persons and prisoners of conscience who continued to die in Moroccan prisons.

54. Those prisons still held many Saharan prisoners. In that connection, he referred to Mohammad Nadrani, who had recently succeeded in leaving Morocco after having been kidnapped nine years previously and who had described the terrible conditions in which he had been imprisoned at Agdez.

55. His organization had believed, as a result of the Security Council's adoption in April 1991 of the peace plan for Western Sahara, that Morocco would release all the Saharans imprisoned in its jails. That had not been the case. On the contrary, the world was witnessing the arrests of many young persons in the occupied areas of Western Sahara who were protesting against the existing situation.

56. The Saharans were prohibited from entering into contact with the United Nations forces in Western Sahara under the threat of imprisonment. At least 40,000 persons had already been deported from Morocco to Western Sahara in order to place the United Nations before a fait accompli with regard to the criteria governing the selection of voters. The few journalists who had visited the area had reported on the extremely tight surveillance existing in a country where the inhabitants should have already been able to express themselves freely with regard to their future. Everyone knew who was placing obstacles in the way of peace and who continued to violate human rights. His organization therefore urged the Commission to appoint a commission of inquiry to visit Western Sahara in order to verify the violations of fundamental freedoms, to meet with missing persons who had returned to Western Sahara and to obtain news concerning the long list of hundreds of missing Saharans drawn up by the association of families of prisoners and missing Saharans.

57. Mr. VITTORI (Pax Christi International) said that war benefited no one. The Gulf war had given rise to innumerable violations of human rights. The Kuwaitis who had remained in the country had been subjected to the cruelties of occupation without finding at the end of that period the democracy they had been entitled to expect. The Palestinians had been victims of a veritable pogrom before the very eyes of the combined forces which had done nothing to prevent it. The Kurds of Iraq, invited to revolt by a triumphant Head of State, had been massacred or forced to take refuge in the mountains between two countries which occupied Kurdistan. The Shi'ites of Iraq had also been misled and abandoned. So-called surgical military operations had been the result of a bacteriological war which was continuing to inflict suffering on children and the elderly. Instead of helping the civilian population, a strict embargo was being maintained and was all the more severe in that it had been lifted in favour of the military regime in Haiti. A double standards policy was continuing to be applied.

58. The military intervention by the Security Council had primarily served the economic and strategic interests of a great Power and absolved a few dictatorships, for the price of their support, of their violations of human rights.

59. The Special Rapporteur on torture, who had submitted a report on Timor, had been on the island at the time of the November 1991 massacre, which had been described by two American journalists who had been eyewitnesses and spoken on behalf of Pax Christi International. He would like to know for what economic and diplomatic interests the Timorans were being sacrificed and the resolutions of the Security Council ignored. His organization renewed its request for the holding of a referendum that would enable the people of Timor to express their wishes in freedom.

60. The new international order was making no headway against the arrogance of a Government that had been requested to negotiate peace in the Middle East. The United Nations was kept away from the negotiating table and its resolutions ignored; the Palestinian people had not been formally recognized as a full party to the negotiations of which it was the primary concern. His organization hoped that the action of the forces of peace in Israel, in the United States and in the world would awaken the conscience of the international community.

61. The military occupation of Kurdistan, Timor, Tibet and Palestine had many points in common with that of Kuwait by Iraq, but the most obvious analogy was the repression of the population and the non-application of the fourth Geneva Convention, which should be applied everywhere, no matter who was the oppressor and who was the oppressed.

62. Iran also hoped to benefit from its attitude during the Gulf war and to make the world forget the frightful terror that prevailed in the country. Far from decreasing, the number of arbitrary arrests, torture and executions had increased in the past year. The call for the murder of a United Kingdom writer was still in force and Iranian diplomats had been questioned with good reason by the Swiss and French police in connection with murders committed in their territory. The Commission's favourable attitude towards that country should not prevent it from extending the mandate of the Special Rapporteur and adopting the resolution submitted to it.

63. The civil war was continuing to cause bloodshed in Sri Lanka. Many innocent persons were victims of mistreatment through Government decisions and actions by paramilitary groups. It was urgently necessary that negotiations for a genuine peace should be held under United Nations auspices.

64. It had not been possible for the referendum in Western Sahara to be held. Morocco, which had released a number of political prisoners whose existence it had long denied, was not making the work of MINURSO any easier. The United Nations should be able to have the necessary means for the preparation and holding of a referendum that would clearly express the will of the Saharan people.

65. In Europe, peoples were dismantling the political structures that had been imposed on them by totalitarian States. His delegation was concerned at

the fighting and atrocities taking place in Yugoslavia and in some parts of the former Soviet Union. The international community could not allow horrible crimes to be committed with impunity under cover of the principle of national sovereignty. New international rules had to be prepared that would determine the conditions and form of intervention that were justified by the duty to help a people or a population in danger. The dispatch of a large number of "blue helmets" to Croatia would offer both protection for the population and an opportunity for peace. He wondered how many lives could have been saved if United Nations forces had been able to intervene sooner and would be saved if they could also be deployed in other areas such as Kosovo.

66. In Northern Ireland, human rights were constantly being violated by paramilitary groups, but also by the United Kingdom administration, which had just released several "loyalist" members of paramilitary forces sentenced to life imprisonment for terrorist acts. Pax Christi was resolutely associated with other NGOs in forming links that should make it possible to establish a realistic and honest dialogue between these two communities. It hoped that the two parties would request United Nations assistance in order to help them to find a fair solution.

67. His organization welcomed the arrangement negotiated by the Salvadorians and regarded it as a precursor for a similar solution in Guatemala, where the majority Indian population was reduced to virtual slavery and cruelly repressed whenever it manifested its legitimate aspirations for a better life in freedom, dignity and justice. In that connection, he referred to the arbitrary arrests, extrajudicial executions and bombing of villages that had been observed by the United Nations expert in October 1991. The expert's mission should be extended and he should be invited to give particular attention to the situation of indigenous populations. It would be appropriate if the Commission adopted a resolution that would bring pressure to bear on the parties so that they would continue to negotiate the implementation of the July 1991 Queretaro agreement.

68. His delegation admired the courage of Father Ricardo Rezende, a priest in the State of Para in Brazil who had risked his life to address the Commission in order to tell the world about the suffering of peasants and forest workers reduced to slavery by powerful landowners. Killers hired by them were frequently police officers and the Brazilian Government was unable to ensure respect for the law.

69. The previous year, his organization had denounced the fact that death squads hunted down street children in several major Brazilian cities and killed them as if they were harmful animals. Unfortunately, that hateful practice had not ceased. Brazil was a large country where numerous serious violations of various kinds took place. For those reasons, his organization hoped that the Commission would consider including the situation in Brazil in the agenda item under discussion.

70. The military coup d'état in Haiti had been condemned by the international community and the strictly applied trade embargo was to have brought the dictatorship to its knees within a month. Unfortunately, the Dominican Republic was not observing it and it was not being effectively monitored by the United States. In early February, President Bush, citing humanitarian

reasons, had decided to reduce the embargo. In the meantime, thousands of Haitians had been killed or wounded by military, police and paramilitary forces. Democratic countries had a duty to do everything possible to ensure the failure of the coup d'état. Turning back Haitian refugees to be handed over to their potential executioners was a cruelty which should end immediately.

71. Mr. ROSSI (International Association for Religious Freedom) said the historic changes that had taken place recently in eastern European countries had shown the entire world that the totalitarian regimes which had governed them had committed grave violations of human rights and fundamental freedoms despite repeated statements to the contrary by their representatives in the Commission.

72. His delegation welcomed the progress made in central and eastern Europe and hoped that other countries would move rapidly towards genuine democracy and full respect for human rights.

73. However, it was concerned about the rise of political movements founded on a particular religion and seeking to instal an authoritarian regime by imposing the standards of a single religion on a pluralist society. A striking example was the Islamic Salvation Front, an Algerian movement whose aim was to establish a non-democratic State governed by the laws of a single religion. It was quite normal to rely on the elements of one's religion to combat corruption, unemployment, poverty and the inefficiency of the authorities, but the imposition of the standards of a religion by law was unacceptable, particularly if those standards were not in accordance with the human rights proclaimed in international instruments. Unfortunately, some Governments adopted that position, which they regarded as legitimate. In that regard, the Sudanese authorities had adopted articles in their Penal Code providing for the death penalty for anyone who renounced the majority religion and for stoning in the case of adultery. In July 1991, the head of the Sudanese delegation to the Human Rights Committee had tried to justify his Government's position by saying that a large number of Muslim countries were undergoing a broad reform movement aimed at removing from their legislation all elements contrary to the principles of Islamic law. He had also said that some Islamic laws were not in conformity with the provisions of the Covenant and that it was therefore necessary to adapt that instrument to the Islamization movement, which was recent, and to amend the wording of the Covenant, which was out of date.

74. It was therefore not surprising that, in countries where the Shariah was applied, massive and systematic violations of human rights took place, as was the case in the Islamic Republic of Iran and Saudi Arabia.

75. He stressed that his comments could in no way be interpreted as an attack against Islam or Muslims. His association respected all religions and did not agree with those who gave Islam a false image of intolerance and violence.

76. The Koran, unlike the Shariah, did not provide for the death penalty for someone who renounced Islam. His organization believed that Islam, like the other major religions, taught tolerance, liberty and respect for the dignity of every human being. It agreed with eminent Muslim personalities who said

that Islam was a progressive religion in harmony with internationally recognized human rights. It welcomed the efforts of Governments with a Muslim majority that were fighting against extremist positions. In that connection, he welcomed the statement by King Hussein of Jordan that religion should not be used as a political instrument. That statement should move certain quarters which tended to represent Muslims as enemies of progress and human rights to change their mind.

77. The international community should trust its Muslim brothers and help them in their efforts to bring about democracy and respect for human rights.

78. Mr. ANTONIO (Observer for Haiti) said that Haiti had a long history of human rights violations, traditionally committed by the authorities. For decades, they had established structures that had institutionalized violence and terror in the relationship between those who governed and those who were governed. The reality imposed on the great majority of the Haitian population by various Haitian regimes had always been that of the systematic practice of State terrorism and governmental corruption. In that context, respect for human rights in Haiti took the form of the political fight against adversaries and sectors of Haitian society which pursued a path that had nothing to do with the concern about respect for fundamental freedoms expressed in the Commission.

79. The Haitian people had understood the need for that fight as a prerequisite for any possibility of enjoying their legitimate rights as human beings. An important stage in that long fight had been reached in February 1986, when the Haitian people had compelled the dictator Jean-Claude Duvalier to abandon the reins of power. The second stage had been the adoption, in March 1987, of a democratic Constitution which, despite its weaknesses, would enable the Haitian population to establish a society of justice in which the fruit of its labour would be more equitably distributed.

80. On 16 December 1990, on the occasion of the first genuinely democratic elections ever held in the country, the Haitian people had clearly expressed its political desire to determine its own future. With about 70 per cent of the votes, a President had been elected with a mandate to organize a democratic society based on political participation, social and economic justice and respect for fundamental freedoms. On that occasion, the United Nations which had ensured the proper conduct of the elections, had announced to the world the success of the electoral process.

81. In 1991, the Haitian delegation had informed the Commission that the policy of promoting human rights and individual freedoms had been adopted as a priority element of the new Government's programme. Over a period of eight months, the legitimate Government of Haiti had continually acted along those lines. The first difficult achievements had made it possible to believe that the Haitian dream to build that new humanitarian society could be achieved.

82. The coup d'état of 29 September 1991, carried out by political, economic and social sectors opposed to the ongoing reforms, had forced President Aristide to abandon the reins of power and to leave the country.

The de facto regime imposed by the military with the complicity of Mr. Honorat continued to weigh heavily on the country, temporarily halting the democratic experiment begun in December 1990.

83. Attention should be drawn to the fact that, since the coup d'état, some 2,000 persons had died, 2,000 had been subjected to arbitrary arrest and 600 had been wounded. As a result of the coup, the country's economic and industrial potential had been destroyed, the gap between the small handful of rich persons and the multitude of poor had widened, 300,000 persons had fled to the countryside and 20,000 had gone abroad in search of political asylum.

84. A number of speakers had referred to the situation of Haitian asylum seekers throughout the world and particularly in the United States. It was their tragic experiences since the military putsch that had impelled many Haitian citizens either to become internal refugees or to leave their country to seek refuge elsewhere. During the period of the actual exercise of power in Haiti by President Aristide, the number of Haitian candidates for emigration had become insignificant. The sudden increase in that number since the coup d'état of 29 September 1991 had made the distinction between political and economic refugees unrealistic. Those refugees, like the vast majority of the Haitian people, rejected a de facto power which had nothing to offer to the country. His delegation had noted with resentment that, following the order to turn back refugees from United States territory, the doors of Europe were also being closed to them. In France, the refugees had failed to find the welcome and tolerance they had hoped for, while, in Switzerland, a permit had been introduced for presentation on embarkation and at borders.

85. Officially, friendly countries were taking part in efforts to restore constitutional order in Haiti and return President Aristide as Head of State. His delegation was well aware that those countries could not on their own relieve all the world's suffering. The solution to the Haitian refugee problem necessarily depended on a political solution with a view to the restoration of constitutional order, but temporary measures could surely be envisaged to receive Haitian asylum seekers for the duration of the crisis while considering the conditions for their repatriation once the situation had been remedied in accordance with the Haitian Constitution. His delegation was grateful to the Office of the United Nations High Commissioner for Refugees for its activities in favour of asylum seekers.

86. As a result of repression and extortion by the de facto power, the Haitian people was becoming daily more confirmed in the choice it had made 15 months earlier. It had developed a non-violent but strong and determined resistance with due priority accorded to the law. To combat the logic of terror, the international community had to affirm its role as guarantor of the rule of law. It had already done so recently by guaranteeing the proper conduct and security of the December 1990 elections in Haiti. It had the necessary weight and competence to act without any impediment to the clearly expressed will of the Haitian people.

87. Emissaries of the revolutionaries were now contacting and courting international centres and diplomatic missions with a view to submitting a resolution to the Commission condemning, among other things, the embargo which

had been imposed on the Honorat-Cedras Government by the members of the Organization of American States and with the support of the United Nations and which did not affect essential and humanitarian items for the Haitian people. If the embargo had been respected within the strict limits imposed, the rebels would have left long before. Every drop of petrol delivered meant several days' more power for the adventurers, who offered the country only terror and frustration. He hoped that the international community would assume its responsibilities.

88. His delegation urged the Commission firmly to condemn the coup d'état and the violations committed since 29 September 1991 by the present holders of power in Haiti and to demand and work for the return of President Aristide to power, with all the rights and responsibilities provided for by the 1987 Constitution. It recommended that the case of Haiti should be considered under agenda item 12 and not under agenda item 19; that a special rapporteur should be appointed to monitor the situation of human rights in Haiti and report on it to the Commission; that judicial inquiries and proceedings should be instituted in connection with all violations committed since the coup d'état of 29 September, that responsibility for such violations should be established and that the victims should be compensated. That would require some slight changes in the Haitian legal system and the effective separation of the police and the army. His delegation requested the Commission to monitor that process, which was essential for the restoration of democracy in Haiti.

89. Mr. VEUTHEY (International Committee of the Red Cross) welcomed the action taken by the Society of Friends, the World Council of Churches and Caritas International and supported by a number of Governments, which had led to the adoption of Commission resolution 1991/25 on internally displaced persons. A number of speakers had stressed the scope of the problem which was posed by displaced persons and affected all continents. Although there were many causes of such displacements, armed conflicts were among the most frequent and it was on their humanitarian consequences, particularly with regard to displacement of populations, that ICRC wished to share its concern with the Commission.

90. In situations of armed conflict, civilians were often in a double bind: if they stayed where they were, they suffered the effects of hostilities such as attacks, bombardment and starvation used as a means of pressure and they could find themselves without any means of subsistence or medical care because of the disintegration of the economic and social infrastructure. If they fled, they were in danger of arrest, summary execution or disappearance. Such population movements might also become forced movements when the armed forces used them to isolate the insurgents.

91. Armed conflicts required the implementation of international humanitarian law, which was designed to protect all military and civilian victims of both international and non-international armed conflicts with no distinction, except for certain very specific provisions, between refugees and displaced persons.

92. International humanitarian law consisted primarily of the four Geneva Conventions of 12 August 1949 and the Additional Protocols of 1977.

93. It was mainly non-international armed conflicts that gave rise to mass internal displacements of persons. In such cases, article 3 common to the four Geneva Conventions of 1949, and additional Protocol II of 1977, were applicable. Those two international humanitarian law instruments accorded protection to victims of such conflicts and, thus, to displaced persons.

94. Additional Protocol II contained basic rules on the protection of the civilian population against the effects of hostilities: article 13, paragraph 2, provided that civilians must not be subjected to attack; under article 14, starvation of the civilian population was prohibited as a method of combat and goods essential for the civilian population's survival were subject to special protection; article 18, paragraph 2, stated that, when the civilian population suffered excessive hardship and the local authorities were unable to relieve it, those authorities must agree to relief action of an exclusively humanitarian and impartial nature, carried out without any unfavourable distinction; and article 17 expressly prohibited displacements of populations.

95. Respect for the rules and principles of international humanitarian law for the protection of civilians against the effects of hostilities tended to prevent displacements of populations. Conversely, when those rules and principles were not respected, civilians often had no other course but to flee. In recent years, ICRC had been able to take action, often in collaboration with national Red Cross or Red Crescent societies, in favour of displaced persons. More than 80 per cent of ICRC's operational budget in 1991 had been devoted to assistance to and protection of civilians. Its operational activities in that area included approaches to Governments and other parties to conflicts to persuade them to accept and apply the rules and principles of international humanitarian law, sometimes, as in the case of El Salvador and Yugoslavia, in the form of meetings of plenipotentiaries of the parties to the conflict at ICRC headquarters; active protection through the deployment of delegates in sensitive areas, access to refugee camps and visits to places of detention; medical and orthopaedic assistance; emergency nutritional and material assistance, which had helped to keep populations from moving and thus to avoid or contain the phenomenon of mass flight and new refugee concentrations; preparation of reception infrastructures and construction of camps when so required; and tracing of persons and reunification of families.

96. Instead of trying to adopt new regulations in favour of particular categories of civilians or a new codification that might legitimate measures by belligerants to encourage the displacement of populations, the existing international humanitarian law principles should be reaffirmed, States that had not yet ratified the two Additional Protocols of 1977 should be invited to do so and it should be stressed that the provisions of the Protocols, together with all rules relating to the conduct of hostilities, should be fully respected in all existing conflicts.

97. In cases other than armed conflict, in which international humanitarian law was not applicable, ICRC could still offer its services on the basis of

the Statutes of the International Red Cross and Red Crescent Movement (art. 5, para. 3). In situations of internal disturbance or tension, which could also cause population displacements, the formulation and adoption of a code of conduct covering all essential humanitarian guarantees might be envisaged.

98. ICRC had drawn a number of important conclusions from operations in the Gulf, Somalia and Yugoslavia. Prompt and extensive action in northern Iraq would have been impossible without a permanent ICRC presence in Baghdad and the establishment of sustained dialogue with the Iraqi authorities since 1980, when the conflict between Iraq and Iran had begun. ICRC had been looked upon as neutral and independent. In the case of Kurdistan, it had been shown that prompt and effective action could be carried out only with the agreement and cooperation of centres of power in the territories where the fighting took place or where people sought refuge. Assistance and protection for 1.5 million persons could not be provided under cover or by merely symbolic action. Dialogue with all parties and respect for the rules and criteria of humanitarian action were essential.

99. In southern Iraq, the rehabilitation of health and medical infrastructures was the most urgent problem. Urgency could not be a pretext for rudimentary measures, since what were needed were high-level technical skills and renewed cooperation between the private and humanitarian sectors. ICRC had decided to act first in the Shi'ite south of the country and then in the Kurdish north. That order of priority did not correspond to the emergency image portrayed by the media, but reflected real needs.

100. In Yugoslavia, the possibility of action on behalf of civilian populations had been determined by three factors: a global concept of action to meet the various needs of the civilian population in such areas as family dispersal, hospital neutralization, respect for the rules of international humanitarian law, visits and exchanges of prisoners and relief and protection of displaced persons; sustained dialogue with the representatives of the political and military parties to the conflict; and a watertight separation between political and humanitarian activities in order to avoid any overlapping.

101. The case of Somalia had highlighted other difficulties to be overcome by humanitarian action. Some conflicts gave rise to disturbances of such intensity that humanitarian action of the necessary scope and urgency was extremely limited. ICRC, which had been one of a very few organizations present throughout the crisis, wished to raise the question of the collective responsibility of the international community and intergovornmental agencies. Without the restoration of minimum security, humanitarian action could not reach all the victims. It was to be hoped that the ongoing diplomatic efforts would be successful.

102. Humanitarian cooperation involved many more workers and sectors than was generally supposed and called for a good understanding of the operational mandates and capacities of the various humanitarian partners and for some standardization of the criteria and methods of work negotiated with the parties to the conflict and third States. Organizations concerned with displaced persons must work together, share their information and cooperate in a spirit of solidarity. Humanitarian organizations must always maintain their

neutrality and impartiality in order to ensure that relief and protection could be given to those most in need. Emphasis should also be placed on the complementarity between assistance and protection.

103. Action in favour of displaced persons was inseparable from the faithful implementation of the rules on the conduct of hostilities and all rules and principles of international humanitarian law.

104. Mr. MUTUALE (Observer for Zaire), speaking in exercise of the right of reply, said that his delegation had carefully followed the statements made by the United States representative, the representative of Portugal on behalf of the European Community, the International Federation of Human Rights and Pax Christi International. He had no mandate to spurn their friendship or to discourage their interest in Zaire, but they should not use interest in a friendly nation as a pretext to judge or criticize that nation too harshly. Nor should they make light of everything Zaire had done in the field of human rights. His country realized that much remained to be done, but its efforts in that field had been considerable. It had opened its doors to everyone so that the results of those efforts could be seen and so that those who so wished could provide advice, services and financial assistance. The democracy that had begun to be established in April 1990 was causing a political upheaval and there had been an explosion in respect of rights and freedoms.

105. The President of the Conférence Nationale Souveraine and the Prime Minister of Zaire had held a meeting with President Mobutu and were arranging for the resumption of the work of the Conference. That was considered a vital necessity and not merely a political option.

106. Mr. ILICAK (Observer for Turkey), speaking in exercise of the right of reply, recalled that, at the 35th meeting, the representative of Portugal, speaking on behalf of the European Community, had referred to certain questions relating to the situation of human rights in Turkey. He thanked him for having thus expressed the Community's interest in his country.

107. He also thanked the representative of Portugal for the efforts made by the authorities of the member States of the Community to curb the rise of racism and xenophobia in Europe. For obvious reasons, his delegation was a very attentive observer of the situation and would continue to be so in the future in order to assess what was being done to implement the measures announced on a number of occasions by the authorities of the countries in question.

108. Mr. GUBAKTALLA (Observer for Sudan), speaking in exercise of the right of reply, said that the allegations made by the representatives of Survival International and Amnesty International concerning mistreatment and repression of two tribes in his country were unfounded. The campaign by those organizations was based on ignorance of what was taking place in the areas where those tribes lived. The security situation in those areas was one of the worst in the country and the people had requested the Government to protect them from terrorist groups. The Government could not be blamed for complying with that request and providing the necessary security and a decent standard of living. There were two prominent members of the tribes concerned

in the local command council. He wondered whether the comments of the two organizations had been made in an attempt to play on ethnic and tribal differences.

109. His Government had consistently endeavoured to implement the federal system which allowed the citizens of the various governorates to choose their own rulers, laws and administration, and his delegation had stressed that fact repeatedly in meetings of the Commission and other bodies. As had been acknowledged in the statement by Survival International, the rebellion had been the cause of the sectarian conflict and the Government was trying to halt the infiltration by the rebels in the areas concerned. There should be no further allegations of the kind the two organizations had made. It was wrong to consider members of a rebellion or of an armed group as heroes because they took up arms against the Government and to accuse the Government of human rights violations because it was trying to protect unarmed civilians against armed bands.

110. Mr. HUSSEIN (Iraq), speaking in exercise of the right of reply, said that the representative of Portugal, speaking on behalf of the European Community at the Commission's 35th meeting, had accused Iraq of being responsible for violations of the rights of the Iraqi people caused by the embargo. The entire people of Iraq was suffering because of the collective punishment imposed on it, and that situation should be unacceptable to the international conscience and to the Western civilization to which the representative of Portugal belonged and which claimed to give a prominent place to human rights throughout the world.

111. It appeared from what the representative of Portugal had said that the Iraqi people was to remain hostage to political will. There was no justice that could permit a people to be held hostage and deprived of the enjoyment of its most basic rights for political reasons unconnected with the provision of food and medicine. The Iraqi people would not forget what had been done to it by those who spoke in the name of Western civilization about democracy, human rights, the dignity of man and the right to life. Their logic was contrary to history and to human life and dignity.

112. Iraq had fulfilled all its commitments under Security Council resolution 687 (1990) and the Security Council must therefore lift the economic embargo, for which there was no longer any legal basis. The continuation of the illegal economic blockade would have extremely serious consequences for the Iraqi people and would be tantamount to genocide. It was the Western group that would have to bear international responsibility for that heinous crime against the 18 million inhabitants of his country.

113. Mr. ENNACEUR (Tunisia) said that the statement by Amnesty International about the situation in Tunisia had astonished his delegation, since it was based on unfounded allegations which his delegation had duly refuted. Amnesty International was fully aware of Tunisia's accomplishments in the field of human rights since 7 November 1987 and of its irreversible commitment to democracy and the protection of human rights. Tunisia had been the first African country to grant a legal permit to a local section of Amnesty International and it maintained a confident relationship with that organization. An Amnesty delegation had visited Tunis at the beginning of

December 1991 and had been received by several members of the Government, who had responded to all its legitimate points of concern. As explained by the Minister for Foreign Affairs of Tunisia in his statement of 6 February 1992, the Government's comments and replies, both as to conditions of detention and the interrogation of persons detained in connection with proceedings against groups connected with the extremist al-Nahda movement, had been based on a concern for dialogue, truth and transparency.

114. The same applied to his Government's relationship with humanitarian organizations, associations of lawyers and the Tunisian League for the Defence of Human Rights. In June 1991, the Head of State had invited the President of the Committee for Human Rights and Public Freedoms to establish a commission of inquiry on allegations of torture. The commission had submitted its conclusions to the Head of State and action had been taken against officials who had violated the legislation in force. His Government had described those developments in its communications with Amnesty International and the Centre for Human Rights and it was unfortunate that Amnesty International had not seen fit to take them into account. Its partial attitude could only damage its credibility.

115. The representative of Amnesty International had recognized implicitly in his statement that the proceedings to which he had referred had been instituted against persons who had resorted to violence. Amnesty's vocation was to support persons who had been persecuted because of their ideas and opinions and who had not resorted to violence. His Government was concerned to safeguard the rule of law against certain deplorable excesses. As affirmed by the Minister for Foreign Affairs, Tunisia rejected extremism and fanaticism and respected human rights and the rule of law and his Government had clearly stated its desire to spare other countries and civil societies from the spiral of violence created by those who, under cover of religion, sought to achieve their theocratic aims by violence and terror.

The meeting rose at 9.10 p.m.